

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-006970

02/24/2006

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT
D. Raybon
Deputy

FILED: 02/28/2006

ELLEN WEINER

ANTONIO M ROSACCI

v.

JOANANN GAWI, et al.

NEAL B THOMAS
ALTERNATIVE DISPUTE
RESOLUTION - CCC

**JURY TRIAL SETTING
(WITH PRETRIAL MANAGEMENT CONFERENCE)**

8:44 a.m. This is the time set for Rule 16 Comprehensive Pretrial Conference. Plaintiff is represented by counsel, Antonio M. Rosacci. Defendants Antunes are represented by counsel, Neal B. Thomas.

Court reporter is not present.

Discussion is held.

IT IS ORDERED adopting the terms of the Joint Pretrial Memorandum to the extent that they do not conflict with the orders stated herein. References to "counsel" shall be read to include unrepresented parties.

IT IS FURTHER ORDERED setting this matter for a **4-day Jury Trial** on **March 13, 2007** at **9:30 a.m.** in this division.

THIS IS A FIRM TRIAL SETTING

Trial days are normally 9:30 a.m. to 4:30 p.m., Tuesday through Friday.

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IT IS ORDERED that all dispositive motions shall be filed at least 90 days before trial. Motions in *limine* shall be filed in accordance with Rule 7.2, Ariz.R.Civ.P. Motions not filed in accordance with these deadlines will not be considered.

IT IS FURTHER ORDERED setting this matter for **Pretrial Management Conference** on **February 26, 2007 at 8:30 a.m. (30 min.)** in this division.

At the PTMC, counsel who will try the case shall appear and be prepared to discuss and resolve:

- A. Time limits for *voir dire*, opening statements, witness examinations and closing arguments.
- B. Stipulations and objections regarding witnesses and exhibits. If time permits, the court will rule on objections.
- C. Jury instructions, juror notebooks and verdict forms.
- D. Deposition summaries and excerpts from depositions including objections thereto.
- E. Scheduling, equipment or interpreter issues.
- F. Status of settlement efforts.
- G. Motions in *limine* and other pending motions.
- H. Other matters addressed in the updated joint pretrial statement.

A joint pretrial statement (JPTS) is due **three (3) judicial days before the PTMC**. The following shall be filed with the JPTS:

- A. Proposed *voir dire* questions.
- B. A list to be read to the jury with names of all witnesses who may testify.
- C. A set of agreed-upon jury instructions.
- D. Separate sets of requested instructions that have not been agreed upon. (Review *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose before requesting non-RAJI instructions.)

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- E. A stipulated brief summary of the case, which the court can read at the outset of *voir dire*.

All exhibits shall be exchanged 30 days before trial. Counsel shall confer regarding exhibits so duplicates are avoided. **At least ten days before trial, counsel or their knowledgeable assistants shall call the division clerk at (602) 506-3553 to discuss procedures for marking exhibits.** All exhibits shall be submitted to the clerk no later than one **(1) week prior to trial.** Original depositions are provided to the clerk for the record and not marked as exhibits.

The parties shall participate in a mandatory Settlement Conference. This case is referred to the court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. **Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro tempore*.** Counsel and any "pro per" parties will contact the appointed judge *pro tempore* to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than **December 13, 2006.** The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle this case, shall personally appear and participate in good faith in this settlement conference even if no settlement is expected.

8:50 a.m. Matter concludes.